

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/609,232
Applicant(s): Hitoshi HAGIMORI et al.
For: IMAGING DEVICE AND DIGITAL CAMERA
USING THE IMAGING DEVICE
Confirmation No.: 8204
Customer No.: 24367
Docket No.: 15162/05550
Filed: June 27, 2003
Group Art Unit: 2873
Examiner: Jordan Marc Schwartz

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER PENDING
AND NOW ISSUED SECOND APPLICATION**

The owner, Konica Minolta Opto, Inc., of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of allowed application number 10/611,016, now issued as U.S. Patent No. 7,408,583 ("the '583 Patent"), as the term of the '583 Patent is defined in 35 U.S.C. §§ 154 and 173, and as the term of the '583 Patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the '583 Patent are commonly owned. This agreement runs with any patent

granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the '583 Patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that the '583 Patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Reg. No. 45,729.

The amount of \$140.00 is submitted herewith authorizing the fees required for filing this Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over an Issued Patent be charged to Sidley Austin LLP's Deposit Account No. 18-1260. In the event that no fee is present, is not sufficient, or is not acceptable, please charge any fee (other than issue fee) required during the pendency of

Application No. 10/609,232
Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection
U.S. Patent No. 7,408,583, filed on July 1, 2003
Reply to Office Action of July 31, 2008

this U.S. patent application to Sidley Austin LLP's Deposit Account No. 18-1260. Please
credit any overpayment to Deposit Account No. 18-1260.

Respectfully submitted,

By: /Mark A. Dodd/ Reg. No. 45,729
Mark A. Dodd
Registration No. 45,729
Attorney for Applicants

MAD/
SIDLEY AUSTIN LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3481
Main: (214) 981-3300
Facsimile: (214) 981-3400
October 27, 2008